UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,135	02/06/2001	James F. Fordemwalt	10002364-1	1457

7590	02/27/2004

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EXAMINER
KANG, INSUN

ART UNIT	PAPER NUMBER
2124	2

DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Offic Action Summary	09/779,135	FORDEMWALT ET AL.
	Examin r	Art Unit
	Insun Kang	2124

-- Th MAILING DATE of this communication appears on the cover sh et with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _06 February 2001_.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-20_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _2/6/2001_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

U.S. Patent and Trademark Office

DETAILED ACTION

1.   This action is in response to the application filed 2/6/2001.

2.   Claims 1-20 are pending in the application.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-5, 7-11, 13-18 and 20 are rejected under 35 U.S.C. 102(e) as being

anticipated by U.S. Patent 6,681,392 to Henry et al. hereinafter referred to as "Henry."

Per claim 8:

Henry teaches:

-   providing at least one peripheral installed on a remote computer ("peripheral

    devices... used on the network," col 1 lines 35-41)

-   a device driver being for said at least one peripheral, and said associated

    peripheral software being for said at least one peripheral ("driver software and

    other control software required by the peripheral devices," col 1 lines 35-41; see

    also col 2 lines 6-8 and 49-53)

- reading a description file associated with said at least one peripheral ("a

  script...containing a list of commands...[and] instructions to automatically install

  software with specific selections," col 4 lines 56-67; see also col 6 lines 23-34) in

  response to an initialization of said device driver during an installation of said

  device driver on said client computer ("Standard operating system function calls

  are used to access the information needed from the remote system...to

  communicate to the driver being initialized on the remote system, that the install

  is a remote install," col 5 lines 44-58)

- installing said peripheral software on said client computer in response to an

  installation procedure of said peripheral software included in said description file

  ("The install program sets values in the remote registry signaling to the driver that

  the install is a remote install and that any initialization requiring user intervention

  must be suppressed; col 5 lines 48-58; "determining which software is to be part

  of the installation and which options are to be applied...by executing a script file,"

  col 6 lines 21-34)

as claimed.

Per claim 9:

The rejection of claim 8 is incorporated, and further, Henry teaches:

- said initialization comprises an operating system call for said device driver to

initialize itself ("Standard operating system function calls are used to access the information needed from the remote system... to communicate to the driver being initialized on the remote system, that the install is a remote install," col 5 lines 44-58) as claimed.

Per claim 10:

The rejection of claim 9 is incorporated, and further, Henry teaches: modifying said device driver to read said description file ("For a remote install... any initialization requiring user intervention must be suppressed," col 5 lines 48-58; see also col 5 lines 1-18; col 6 lines 23-34) as claimed.

Per claim 11:

The rejection of claim 10 is incorporated, and further, Henry teaches that said at least one peripheral is a printer ("printer driver," col 4 line 49) as claimed.

Per claim 1:

Henry teaches:

- invoking a device driver for a peripheral administrated by a remote computer over a network ("Standard operating system function calls are used to access the information needed from the remote system... to communicate to the driver being initialized on the remote system, that the install is a remote install," col 5 lines 44-58)

- installing said associated peripheral software of said peripheral in response to an

   initialization of said device driver by an operating system of said client computer

   ("The install program sets values in the remote registry signaling to the driver that

   the install is a remote install and that any initialization requiring user intervention

   must be suppressed; col 5 lines 48-58; "determining which software is to be part

   of the installation and which options are to be applied...by executing a script file,"

   col 6 lines 21-34)

   as claimed.

Per claim 2:

The rejection of claim 1 is incorporated, and further, Henry teaches:

- reading an associated description file of said peripheral in response to said

   initialization of said device driver ("a script...containing a list of commands...[and]

   instructions to automatically install software with specific selections," col 4 lines

   56-67; see also col 6 lines 23-34; see also col 5 lines 44-58)

- said associated description file including a name of said associated peripheral

   software and an installation procedure ("a script is a list of instructions to

   automatically install software with specific selections," col 4 lines 56-67; see also

   col 6 lines 21-34)

- installing said associated peripheral software according to said installation

   procedure on said client computer ("The install program sets values in the remote

   registry signaling to the driver that the install is a remote install and that any

   initialization requiring user intervention must be suppressed; col 5 lines 48-58;

"determining which software is to be part of the installation and which options are

to be applied...by executing a script file,"   col 6 lines 21-34)

as claimed.

Per claim 3:

The rejection of claim 1 is incorporated, and further, Henry teaches:

said initialization comprises an operating system call for said device driver to

initialize itself ("Standard operating system function calls are used to access the

information needed from the remote system...to communicate to the driver being

initialized on the remote system, that the install is a remote install," col 5 lines 44-58)

as claimed.

Per claim 4:

The rejection of claim 2 is incorporated, and further, Henry teaches:

modifying said device driver to read said associated description file ("For a remote

install...any initialization requiring user intervention must be suppressed," col 5 lines 48-

58; see also col 5 lines 1-18; col 6 lines 23-34)

as claimed.

Per claim 5:

The rejection of claim 1 is incorporated, and further, Henry teaches that said

peripheral is a printer ("printer driver," col 4 line 49) as claimed.

Per claim 7:

The rejection of claim 1 is incorporated, and further, Henry teaches initiating installation

of said peripheral by selecting a UNC path name configured to represent said peripheral

("a universal naming convention (UNC) is used," col 5 lines 19-40) as claimed.

Per claim 13:

Henry teaches: a memory coupled to said at least one processor of said client

computer; at least one peripheral with said device driver and said associated peripheral

software installed on a remote computer, wherein said device driver and said

associated peripheral software is retrieved from said remote computer and stored in

said memory ("remotely installing peripheral software such as drivers and utilities on a

system over a network," col 2 lines 5-15), said device driver being configured to be

executed by said at least one processor ("Standard operating system function calls are

used to access the information needed from the remote system... to communicate to the

driver being initialized on the remote system, that the install is a remote install," col 5

lines 44-58) as claimed.

Per claim 14:

The rejection of claim 13 is incorporated, and further, Henry teaches:

- said at least one processor is further configured to read a description

file in response to an initialization of said device driver during an installation of said

device driver on said client computer ("Standard operating system function calls are

used to access the information needed from the remote system...to communicate to the

driver being initialized on the remote system, that the install is a remote install," col 5

lines 44-58; "The install program sets values in the remote registry signaling to the

driver that the install is a remote install and that any initialization requiring user

intervention must be suppressed; col 5 lines 48-58; "determining which software is to be

part of the installation and which options are to be applied...by executing a script file,"

col 6 lines 21-34)

as claimed.

Per claim 15:

The rejection of claim 14 is incorporated, and further, Henry teaches that said

initialization is configured to invoke an initialization entry point configured to point to said

description file ("Standard operating system function calls are used to access the

information needed from the remote system...to communicate to the driver being

initialized on the remote system, that the install is a remote install," col 5 lines 44-58;

"For a remote install...any initialization requiring user intervention must be suppressed,"

col 5 lines 48-58; see also col 5 lines 1-18; col 6 lines 23-34; "The install program sets

values in the remote registry signaling to the driver that the install is a remote install and

that any initialization requiring user intervention must be suppressed; col 5 lines 48-58;

"determining which software is to be part of the installation and which options are to be

applied...by executing a script file,"   col 6 lines 21-34) as claimed.

Per claim 16:

The rejection of claim 14 is incorporated, and further, Henry teaches that said at

least one processor is further configured to install said associated peripheral software

according to an installation procedure included in said description file ("The install

program sets values in the remote registry signaling to the driver that the install is a

remote install and that any initialization requiring user intervention must be suppressed;

col 5 lines 48-58; "determining which software is to be part of the installation and which

options are to be applied...by executing a script file," col 6 lines 21-34)

as claimed.

Per claim 17:

The rejection of claim 16 is incorporated, and further, Henry teaches that said

initialization comprises an operating system call for said device driver to initialize itself

("Standard operating system function calls are used to access the information needed

from the remote system...to communicate to the driver being initialized on the remote

system, that the install is a remote install," col 5 lines 44-58)

as claimed.

Per claim 18:

The rejection of claim 17 is incorporated, and further, Henry teaches that said

peripheral is a printer ("printer driver," col 4 line 49) as claimed.

Per claim 20:

The rejection of claim 17 is incorporated, and further, Henry teaches said at least

one processor is further configured to install said device driver and said associated

peripheral software in response to a selection of a UNC path name representing said at

least one peripheral ("a universal naming convention (UNC) is used," col 5 lines 19-40).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 6, 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable

over U.S. Patent 6,681,392 to Henry et al. hereinafter referred to as "Henry" in view of

Applicant's Admitted Prior Art (hereinafter referred to as "APA") disclosed in the instant

application.

Per claims 6:

The rejection of claim 1 is incorporated, and further, Henry does not explicitly

teach initiating installation of the peripheral by activating an icon representing the

peripheral as claimed. APA discloses that it was known in the art of software distribution

and installation, at the time applicant's invention was made, to install a peripheral device

remotely such as those disclosed in Henry, by using an icon representing the peripheral ("Any user on the network may install a device driver for a selected peripheral by selecting an icon representing that peripheral," pg 3 lines 1-9 in APA) so that selection of the desired device to install and locating its device driver can be easily accomplished. It would have been obvious for one of ordinary skill in the art of computer software development and distribution to modify Henry's disclosed system to use an icon disclosed in APA for initiating installation of the peripheral by simply clicking the icon representing the peripheral. The modification would be obvious because one of ordinary skill in the art would be motivated to use an icon so that installation of network peripheral can be done easily without requiring a user to search the desired peripheral and the location of its device driver.

Per claim 12:

The rejection of claim 11 is incorporated, further, see the rejection of claim 6 above.

Per claim 19:

The rejection of claim 18 is incorporated, further, see the rejection of claim 6 above.

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 703-305-6465. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kakali Chaki can be reached on 703-305-9662. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

IK
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